

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STORUS CORPORATION,

No. C 06-2454 MMC (MEJ)

Plaintiff(s),

vs.

RESTORATION HARDWARE, INC., et al.,

Defendant(s).

**ORDER DENYING DEFENDANTS'
REQUEST TO EXTEND DISCOVERY
DEADLINE**

The Court is in receipt of the parties' joint discovery letter regarding Defendants' request to extend the discovery deadline, filed November 27, 2007. (Doc. #157.) In the letter, Defendants provide two reasons for their request. The first reason is that Defendants have not completed the depositions of Scott Kaminski and the 30(b)(6) witness for the person most knowledgeable at Storus Corporation. However, the failure to complete these depositions appears to be due to Defendants' failure to follow through in scheduling them, despite two previous discovery extensions from Judge Chesney. Failure to follow through in scheduling is not a compelling reason to extend discovery a third time. The second reason is that Defendants wish to commission an independent third party to undertake a purchaser survey to prove when a design change occurred. As Defendants do not state why they could not commission the survey prior to the close of discovery, this is also not a compelling reason to allow further discovery. Accordingly, Defendants' request is DENIED.

IT IS SO ORDERED.

Dated: November 28, 2007

MARIA-ELENA JAMES
United States Magistrate Judge